

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

1:08-cv-11215-LBS -AJP

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 28th day of December, two thousand and twelve,

DAVID B. NEWMAN and IRA F/B/O DAVID
NEWMAN-PERSHING LLC as Custodian, on
behalf of themselves and all Others Similarly Situated,
and Derivatively on behalf of FM LOW VOLATILITY
FUND, L.P.,

Plaintiffs - Appellants,

v.

FAMILY MANAGEMENT CORPORATION;
SEYMOUR W. ZISES; ANDREA L.
TESSLER; ANDOVER ASSOCIATES LLC I;
ANDOVER ASSOCIATES MANAGEMENT
CORP.; BEACON ASSOCIATES LLC I; BEACON
ASSOCIATES MANAGEMENT CORP.;
JOEL DANZIGER; HARRIS MARKHOFF; IVY
ASSET MANAGEMENT CORP.; THE
BANK OF NEW YORK MELLON CORPORATION;
MAXAM CAPITAL MANAGEMENT
LLC; MAXAM CAPITAL GP, LLC; MAXAM
CAPITAL MANAGEMENT LIMITED;
SANDRA MANZKE; and JOHN DOES 1-100,

Defendants - Appellees,

FM LOW VOLATILITY FUND, L.P.,

Nominal Defendant - Appellee.

ORDER
Docket No. 11-622

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: Dec. 28, 2012

This appeal was withdrawn subject to reinstatement upon terms agreed to by the parties.

Counsel for the appellants has submitted a timely notice of reinstatement.

IT IS HEREBY ORDERED that the appeal is reinstated.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court




A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit


